REMARKS/ARGUMENTS

Claims 1-90 are pending in the application. Claims 1-7, 21-27, 41-45, 51, 60-64, 70, 79, 80, and 82-90 are rejected as anticipated under 35 U.S.C. 102(b), and claims 8-20, 28-40, 46-50, 52-59, 65-69, 71-78, and 81 are rejected as obvious under 35 U.S.C. 103(a).

Claim Amendments

The amendment of independent method claim 1 and independent system claim 21 proposes a platform-independent method and system, respectively, for retrieving and managing data in one or more communications networks having a plurality of destination nodes interconnected with communication lines that involves remotely accessing a communications network by a network management server coupled via the network to one or more client terminals and to various destination nodes, at least one of which is a self-service financial transaction terminal, and remotely configuring a retrieval command associated with one or more of the destination nodes according to one or more parameters with which the network management server is pre-programmed, consisting at least in part of retrieval destination node selection parameters, retrieval file selection parameters, retrieval status parameters, retrieval prioritizing parameters, and retrieval schedule parameters. The amendment of claims 1 and 21 proposes further that the retrieval command is remotely transmitted by the network management server to the destination node, that a response to the retrieval command is remotely transmitted from the destination node to the network management server, which remotely stores the response, and that a user at one of the client terminals is allowed to monitor both the retrieval command and the response. See, e.g., p. 21, line 1-page 22, line 6; p. 22, line 17-p. 23, line 6; and p. 33, line 1-p. 35, line 4.

The amendment of independent system claim 79 proposes a platform-independent system for retrieving and managing data in one or more communications networks having a plurality of destination nodes interconnected with communication

lines utilizing a network automated information retrieval system coupled to one or more communications networks having various nodes consisting at least in part of one or more self-service financial transaction terminals, and an interactive user module coupled with a network management system server connected to the communications network, which network management system server is pre-programmed for remotely configuring a retrieval command associated with one or more of the nodes according to at least one of a number of parameters consisting at least partly of retrieval node selection parameters, retrieval file selection parameters, retrieval status parameters, retrieval prioritizing parameters, and retrieval schedule parameters, for transmitting said retrieval command to said node, and for receiving a response to said retrieval command from said node. The amendment of claim 79 proposes further that a number of client terminals are coupled to the interactive user module for allowing user interaction with the network automated information retrieval system for one or more of remotely monitoring the retrieval command associated with the node by the user, remotely monitoring the response from the node to the retrieval command by the user, and remotely configuring a user request to the network node via the network management server. See, e.g., p. 21, line 1-page 22, line 6; p. 22, line 17-p. 23, line 6; and p. 33, line 1-p. 35, line 4.

Claims 2, 4-12, 22, and 24-32 are amended to address editorial issues raised by the amendment of independent claims 1 and 21; independent claims 41 and 60 are amended to dependent form depending on claims 1 and 21, respectively; and claims 42-59 and 61-78 are canceled as a result of the amendment of claims 41 and 60. Support for the foregoing amendment is found throughout the specification and in the claims and as detailed above. Accordingly, no new matter has been added.

Claim Rejections - 35 U.S.C. § 102

Claims 1-7, 21-27, 41-45, 51, 60-64, 70, 79, 80, and 82-90 stand rejected as anticipated by the ARCserve v6.5 for Windows NT User Guide under 35 U.S.C. § 102(b). The rejection is respectfully traversed and reconsideration is requested. The reference asserted does not read on the claimed invention.

With regard to independent claims 1, 21, and 79, the Examiner considers that the ARCserve backup software user manual discloses each and every claimed element. On the contrary, the ARCserve backup software user manual does not teach or suggest, e.g., remotely accessing a communications network by a network management server coupled via the network to one or more client terminals and to a plurality of destination nodes consisting at least in part of one or more self-service financial transaction terminal, as recited in amended claims 1 and 21, or a network automated information retrieval system coupled to one or more communications networks having a plurality of nodes consisting at least in part of at one or more self-service financial transaction terminal, as recited in amended claim 79. Instead, the ARCserver backup software merely shows a user how to make periodic (i.e., immediate, scheduled, or automatic) backup copies (i.e., spare copies of the user's files, file systems, or other resource for use in the event of failure or loss of the original) of local and remote Windows NT machines on the users' network and store the copies on a magnetic tape or "dump". See, e.g., ARCserver, p. 1-2 and 1-3.

Nor is their any teaching or suggestion in the ARCserver backup software user manual of remotely configuring a retrieval command associated with one or more of the destination nodes by the network management server according to one or more of a plurality of parameters with which the network management server is pre-programmed consisting at least partly of retrieval destination node selection parameters, retrieval file selection parameters, retrieval status parameters, retrieval prioritizing parameters, and retrieval schedule parameters, and remotely transmitting the retrieval command by the network management server to the destination node, as recited in claims 1 and 21, or of an interactive user module coupled with a network management system server connected to the communications network having a plurality of nodes, which network management system server is pre-programmed for remotely configuring a retrieval command associated with one or more of the nodes according to one or more of a plurality of parameters consisting at least partly of retrieval node selection parameters, retrieval file selection parameters, retrieval status

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parameters, retrieval prioritizing parameters, and retrieval schedule parameters, for transmitting said retrieval command to said node, and for receiving a response to said retrieval command from said node, as recited in amended claim 79.

On the contrary, the ARCserve backup software user manual instructs the user how to configure and submit a backup copying job by (a) clicking on a 'backup' button, (b) selecting the machine, directory, and/or files to back up, (c) selecting the device group and media (i.e., tape, etc.) on which to back up the files, (d) selecting (i) a full backup copy of all files, (ii) a differential backup copy of all files that have changed since the last full backup, or (iii) an incremental backup copy of all files which have changed since the date of the previous backup, (e) optionally specifies backup job filters (i.e. to include or exclude files, directories, and/or machines from the backup copies), (f) schedules the backup job to run immediately or at a later date, and (g) clicks on a 'run' button. See, e.g., ARCserver, p. 4-4. 4-5, 4-8, 6-2, and 6-11.

Neither does the ARCserve backup software user manual teach or suggest allowing a user at one of the client terminals to remotely monitor the retrieval command associated with said destination node, remotely transmitting a response to the retrieval command from the destination node to the network management server, allowing the user at the client terminal to remotely monitor the response from the destination node to the retrieval command, and remotely storing the response from said destination node to the retrieval command by the network management server, as recited in claims 1 and 21, or a plurality of client terminals coupled to an interactive user module for allowing the user to interact with the network automated information retrieval system for one or more of remotely monitoring the retrieval command associated with the node by the user, remotely monitoring the response from the node to the retrieval command by the user, or remotely configuring a user request to the node via the network management server, as recited in amended claim 79.

Rather, according to the ARCserve backup software user manual, the backup software does nothing more that allow the user to monitor the status of a backup

copying job while it is running and to configure what backup copying job information is stored locally or in a central database. See, e.g., ARCserver, p. 9-23 and 10-15.

Consequently, the ARCserve v6.5 for Windows NT User Guide does not teach the required combinations of limitations of Applicants' claimed platform-independent method and system for retrieving and managing data in one or more communications networks having a plurality of destination nodes interconnected with communication lines, as recited in amended claims 1, 21, and/or 79.

Because each and every element as set forth in amended claims 1, 21, and 79 is not found, either expressly or inherently in the cited reference, the Examiner has failed to establish the required *prima facie* case of unpatentability. See Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628 (Fed. Cir. 1987); See also MPEP §2131. The Examiner has failed to establish the required *prima facie* case of unpatentability for independent claims 1, 21 and 79 and similarly has failed to establish a *prima facie* case of unpatentability for claims 2-7 and amended claim 41 that depend on claim 1, claims 22-27 and amended claim 60 that depend on claim 21, and claims 80 and 82-90 that depend on claim 79, and which recite further specific elements that have no reasonable correspondence with the references.

Claim Rejections - 35 U.S.C. § 103

Claims 8-12, 28-32, 46-50, and 65-69 stand rejected under 35 U.S.C. § 103(a) as obvious over ARCserve v6.5 for Windows NT User Guide in view of Nixon et al. (U.S. 6,513,060); claims 13, 33, 52, and 71 stand rejected under 35 U.S.C. § 103(a) as obvious over ARCserve v6.5 for Windows NT User Guide in view of Acharya et al. (U.S. 6,343,326); claims 14, 34, 53, and 72 stand rejected under 35 U.S.C. § 103(a) as obvious over Patrick et al. (U.S. 5,790,541); claims 15-19, 35-39, 54-58, and 73-77 stand rejected under 35 U.S.C. § 103(a) as obvious over ARCserve v6.5 for Windows NT User Guide in view of Schein et al. (U.S. 6,226,623); claims 20, 40, 59, and 78 stand rejected under 35 U.S.C. § 103(a) as obvious over ARCserve v6.5 for Windows NT User Guide in view of Mandyam et al. (U.S. 6,236,989), and claim 81 stands

rejected under 35 U.S.C. § 103(a) as obvious over ARCserve v6.5 for Windows NT User Guide in view of Slotznik (U.S. 6,609,146). The rejection is respectfully traversed and reconsideration is requested. The ARCserve v6.5 for Windows NT User Guide, Nixon et al., Acharya et al., Patrick et al., Schein et al., Mandyam et al., and/or Slotznik do not disclose or suggest the claimed invention either separately or in combination with one another.

As previously noted, there is no teaching or suggestion in the ARCserve backup software user manual, e.g., of remotely configuring a retrieval command associated with one or more of the destination nodes by the network management server according to one or more of a plurality of parameters with which the network management server is pre-programmed consisting at least partly of retrieval destination node selection parameters, retrieval file selection parameters, retrieval status parameters, retrieval prioritizing parameters, and retrieval schedule parameters, and remotely transmitting the retrieval command by the network management server to the destination node, as recited in claims 1 and 21, or of an interactive user module coupled with a network management system server connected to the communications network having a plurality of nodes, which network management system server is pre-programmed for remotely configuring a retrieval command associated with one or more of the nodes according to one or more of a plurality of parameters consisting at least partly of retrieval node selection parameters, retrieval file selection parameters, retrieval status parameters, retrieval prioritizing parameters, and retrieval schedule parameters, for transmitting said retrieval command to said node, and for receiving a response to said retrieval command from said node, as recited in amended claim 79.

Nixon et al. do not remedy the deficiencies of ARCserve v6.5 for Windows NT User Guide. On the contrary, Nixon et al. discloses monitoring Internet websites by a monitor unit, e.g., by pinging the web server, performing a trace route on web servers, accessing the website, monitoring the web server, etc., a control unit of which can be configured with the number of times to retry getting a status, the action to be taken after the monitor unit fails to respond 'n' times, or to receive an error message when the

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monitor unit exceeds its maximum simultaneous host limit. See, e.g., Nixon et al. Col 5, line 50-Col 6, line 4; Col 20, lines 34-37; and Col 23, lines 45-46. There is no teaching or suggestion whatsoever in Nixon et al., e.g., of remotely configuring retrieval commands associated with one or more of the destination nodes by the network management server according to one or more of a plurality of parameters with which the network management server is pre-programmed consisting at least partly of retrieval destination node selection parameters, retrieval file selection parameters, retrieval status parameters, retrieval prioritizing parameters, and retrieval schedule parameters, and remotely transmitting the retrieval command by the network management server to the destination node, as recited in claims 1, 21, and 79.

Nor do Acharya et al., which discusses, e.g., simultaneously delivering an IP packet to a plurality of reception nodes using IP multicast protocol (A.K.A. dense mode PIM) or DVMRP, in which each transmission node transfers a multicast packet without recognizing the reception nodes and a connection for the multicast is established only after a reception node receives a first packet and returns a signal indicating the receipt, which makes it impossible to establish a connection for the IP multicast prior to acknowledgement from each reception node in the path unless each reception node is known to the transmission node, remedy the deficiencies of ARCserve v6.5 for Windows NT User Guide and Nixon et al. See, e.g., Acharya et al., Col 3, lines 21-46.

Neither do Patrick et al., which discloses message routing via a primary transceiver node connected to the Internet and various secondary nodes connected to the primary transceiver node via an intermediate network which are further connected via a secondary network to various terminals, such as PCs, in order to conserve internetwork addresses, remedy the deficiencies of ARCserve v6.5 for Windows NT User Guide, Nixon et al., and Acharya et al. See, e.g., Patrick et al., Abstract; and Col 9, line 60-Col 10, line 18.

As also previously noted, neither is there is any teaching or suggestion in the ARCserve backup software user manual, e.g., of accessing a communications network by a network management server coupled via the network to one or more client terminals and to a plurality of destination nodes consisting at least in part of one or more self-service financial transaction terminal, as recited in amended claims 1 and 21, or of a network automated information retrieval system coupled to one or more communications networks having a plurality of nodes consisting at least in part of one or more self-service financial transaction terminal, as recited in amended claim 79.

Likewise, Schein et al., which merely discloses that banks provide customers financial services via ATMs, CATs, screen phones, PCs configured for banking, PDAs, IVR systems, and smart cards, as well as traditional human bank tellers and teaches a global messaging system accessible to customers and bank employees through branch systems, ATMs, CATs, screen phones, PCs using a card or PIN, account number(s), name, or social security number, do not remedy the deficiencies of ARCserve v6.5 for Windows NT User Guide, Nixon et al., Acharya et al., and Patrick et al. See, e.g. Schein et al. Col 7, lines 20-24 and Col 8, lines 55-60.

Neither do Mandyam et al., which discloses nothing more than a network-based 'help' architecture for software applications residing on a host data processing system which automatically converts a user's 'Help' request into a data format readable by the computer network, remedy the deficiencies of ARCserve v6.5 for Windows NT User Guide, Nixon et al., Acharya et al., Patrick et al., and Schein et al. See, e.g., Mandyam et al., Abstract and Col 3, line 60-Col 4, line 2.

Nor does Slotznick, which discloses nothing more than automatic switching between a first mode in which a first executable program, such as a browser requesting, receiving and displaying information from a LAN, WAN, intranet, extranet or the Internet, is visible and active, and a second mode in which a second executable program is visible and active that is triggered by detecting that the first executable program has initiated an information processing mode, and the first mode is restored on completion of

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the information processing, remedy the deficiencies of ARCserve v6.5 for Windows NT User Guide, Nixon et al., Acharya et al., Patrick et al., Schein et al., and Mandyam et al. See, e.g., Slotznick, Abstract and Col 12, lines 50-57.

Therefore, ARCserve v6.5 for Windows NT User Guide, Nixon et al., Acharya et al., Patrick et al., Schein et al., Mandyam et al., and/or Slotznick do not disclose, nor even suggest, the required combination of limitations of amended independent claims 1, 21, and 79 of Applicant's claimed platform-independent method and system for retrieving and managing data in at least one communications network having a plurality of destination nodes interconnected with communication lines. On the contrary, it is believed that the Examiner inadvertently allowed improper hindsight to intrude into the analysis by reading the Applicants' own teachings into the prior art. The claimed combinations are not taught or suggested by the references either separately or in combination with one another.

Because the cited references, either alone or in combination, do not teach the limitations of amended independent claims 1, 21, and 79, the Examiner has failed to establish the required *prima facie* case of unpatentability. See In re Royka, 490 F.2d 981, 985 (C.C.P.A., 1974) (holding that a *prima facie* case of obviousness requires the references to teach all of the limitations of the rejected claim); See also MPEP §2143.03. The Examiner has failed to establish the required *prima facie* case of unpatentability for independent claims 1, 21 and 79 and similarly has failed to establish a *prima facie* case of unpatentability for claims 8-20 that depend on claim 1, claims 28-40 that depend on claim 21, and claim 81 that depends on claim 79, and which recite further specific elements that have no reasonable correspondence with the references.
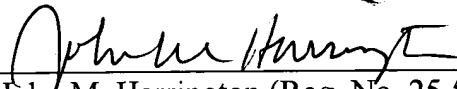
Conclusion

In view of the foregoing amendment and these remarks, each of the claims remaining in the application is in condition for immediate allowance. Accordingly, the examiner is requested to reconsider and withdraw the rejection and to pass the

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application to issue. The examiner is respectfully invited to telephone the
undersigned at (336) 607-7318 to discuss any questions relating to the application.

Respectfully submitted,

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